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Third Party Plaintiffs PCJV USA, LLC, PCI
TRADING LLC, POTATO CORNER, LA
GROUP, LLC, GK CAPITAL GROUP, LLC,
NKM CAPITAL GROUP, LLC and GUY
KOREN, and Defendants J & K AMERICANA,
LLC, J&K LAKEWOOD, LLC, J&K
OAKRIDGE, LLC, J&K VALLEY FAIR, LLC, J
& K ONTARIO, LLC, J&K PC TRUCKS, LLC,
HLK MILPITAS, LLC, and GK CERRITOS, LLC

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SHAKEY'S PIZZA ASIA VENTURES,
INC, a Philippines corporation,

Plaintiff,

vs.

PCJV USA, LLC, a Delaware limited
liability company; PCI TRADING , LLC, a
Delaware limited liability company; GUY
KOREN, an individual; POTATO CORNER
LA GROUP, LLC, a California limited
liability company; NKM CAPITAL GROUP,
LLC, a California limited liability company;
J & K AMERICANA, LLC, a California
limited liability company; J&K
LAKEWOOD, LLC, a California limited
liability company; J&K VALLEY FAIR,
LLC, a California limited liability company;
J & K ONTARIO, LLC, a California limited
liability company; HLK MILPITAS, LLC, a
California, limited liability company; GK
CERRITOS, LLC, a California, limited
liability company; J&K PC TRUCKS, LLC,
a California limited liability company; and,

Case No. 2:24-CV-04546-SB(AGR_x)

Hon. Stanley Blumenfeld, Jr.

**PCJV USA PARTIES' AND THEIR
COUNSEL'S RESPONSE TO
ORDER TO SHOW CAUSE –
DKT. NO. 238**

Complaint Filed: May 31, 2024
Trial Date: August 18, 2025

1 GK CAPITAL GROUP, LLC, a California
2 limited liability company and DOES 1
3 through 100, inclusive,

4 Defendants.

5 PCJV USA, LLC, a Delaware limited
6 liability company; PCI TRADING LLC, a
7 Delaware limited liability company;
8 POTATO CORNER LA GROUP LLC, a
9 California limited liability company; GK
10 CAPITAL GROUP, LLC, a California
11 limited liability company; NKM CAPITAL
12 GROUP LLC, a California limited liability
13 company; and GUY KOREN, an individual,

14 Counter-Claimants,

15 v.

16 SHAKEY'S PIZZA ASIA VENTURES,
17 INC, a Philippines corporation,

18 Counter Defendant.

19 PCJV USA, LLC, a Delaware limited
20 liability company; PCI TRADING LLC, a
21 Delaware limited liability company;
22 POTATO CORNER LA GROUP LLC, a
23 California limited liability company; GK
24 CAPITAL GROUP, LLC, a California
25 limited liability company; NKM CAPITAL
26 GROUP LLC, a California limited liability
27 company; and GUY KOREN, an individual,

28 Third Party Plaintiffs,

v.

PC INTERNATIONAL PTE LTD., a
Singapore business entity; SPAVI
INTERNATIONAL USA, INC., a California
corporation; CINCO CORPORATION, a
Philippines corporation; and ROES 1 through
10, inclusive,

Third Party Defendants.

1 **I. INTRODUCTION**

2 Defendants, Counterclaimants, and Third Party Plaintiffs PCJV USA, LLC, *et*
3 *al.* (“Defendants” or “PCJV USA Parties”) and their counsel recognize the
4 seriousness of the Court’s concerns regarding compliance with pretrial orders,
5 deadlines, and the requirement for professional cooperation. In response to the
6 Court’s Order to Show Cause (Dkt. No. 238), Defendants and their counsel submit
7 the concurrently-filed additional testimony and evidence. Defendants and their
8 counsel remain prepared to provide any further documents, testimony, references, or
9 other information the Court may require to fully and intelligently adjudicate this
10 matter.

11 **II. ARGUMENT**

12 **A. Defendants’ Counsel Acted Diligently and Professionally**

13 The record demonstrates that Defendants’ counsel have consistently acted
14 with diligence, professionalism, and civility in their efforts to comply with the
15 Court’s orders and to prepare the required pretrial documents. As detailed in the
16 concurrently filed Declaration of Arash Beral (“Beral Decl.”), Defendants’ counsel
17 made repeated and good faith efforts to meet and confer with Plaintiff’s counsel, to
18 exchange exhibits, and to finalize joint submissions in accordance with the Court’s
19 deadlines and requirements. Defendants’ counsel have a long-standing record of
20 professionalism, as attested to by references from opposing counsel in other matters
21 (*see* Ex. A to Beral Decl.) and by counsel in the state court litigation (*see* Caine
22 Decl. and Lander Decl.) alongside other professional references, and have never
23 been sanctioned by any court or agency for failure to comply with court rules or
24 orders. Beral Decl. ¶ 35; Declaration of Todd M. Malynn (“Malynn Decl.”) ¶ 3;
25 Declaration of Jamison T. Gilmore (“Gilmore Decl.”) ¶ 2.

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1 **B. The Primary Source of Delay Was Plaintiff's Conduct**

2 The attached declarations and supporting correspondence also establish that
3 the principal cause of the delays and deficiencies in the pretrial filings was the
4 conduct of Plaintiff's counsel, not Defendants. As set forth in detail in the Beral,
5 Malynn, and Gilmore Declarations, Plaintiff's counsel repeatedly failed to timely
6 provide drafts of pretrial documents, delayed the exchange of exhibits, and made
7 last-minute changes that prejudiced Defendants' ability to meet the Court's
8 deadlines.

9 For example, Plaintiff's counsel did not provide a complete set of exhibits
10 until July 25, 2025, despite multiple requests and prior agreements to exchange
11 exhibits by July 11, 2025. Beral Decl. ¶ 24; Gilmore Decl. ¶ 7; *see also* Ex. 1 and
12 Ex. 2 to Gilmore Decl. Plaintiff's counsel also failed to serve any proposed jury
13 instructions by the May 23, 2025 deadline, and did not provide revised instructions
14 until July 28, 2025, leaving Defendants with insufficient time to review and
15 respond. Beral Decl. ¶ 25; Malynn Decl. ¶¶ 56-57. The same pattern occurred with
16 the pretrial conference order and verdict forms, which were provided by Plaintiff
17 only hours before the filing deadlines. Beral Decl. ¶¶ 27, 31.

18 The attached email correspondence (Exs. 1 & 2 to Gilmore Decl.) further
19 documents Defendants' repeated efforts to obtain timely cooperation from
20 Plaintiff's counsel and to avoid last-minute crises.

21 **C. Defendants' Counsel Maintained Civility Despite Challenging**
22 **Circumstances**

23 Despite the difficulties encountered, Defendants' counsel maintained civility
24 and professionalism in all interactions. The Beral and Gilmore Declarations describe
25 instances of unprofessional conduct and hostility by Plaintiff's lead counsel, which
26 made the meet and confer process unnecessarily contentious and inefficient. Beral
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Decl. ¶¶ 7-14; Gilmore Decl. ¶ 8. Nevertheless, Defendants’ counsel remained focused on fulfilling their obligations to the Court and to their clients.

D. Independent Evidence Corroborates Defendants’ Position

The Declaration of Stephen Caine (“Craine Decl.”), who served as independent counsel for PCJV USA, LLC and PCI Trading LLC in the state court action, provides an objective perspective on the parties’ conduct. Mr. Caine attests that delays in the preparation of joint pretrial documents and settlement materials in the prior litigation were primarily attributable to Plaintiff’s side, not Defendants or their counsel. Caine Decl. ¶¶ 5-7. He further observes that the same patterns of delay and non-cooperation by Plaintiff’s side have persisted in the present case. Caine Decl. ¶ 8.

III. CONCLUSION

Defendants and their counsel respectfully submit that the record demonstrates their good faith, diligence, and professionalism in attempting to comply with the Court’s orders and to prepare for trial. The delays and deficiencies in the pretrial filings were not the result of any willful misconduct or lack of cooperation by Defendants or their counsel, but rather were caused by repeated failures on the part of Plaintiff’s counsel to timely provide necessary documents and to engage in meaningful meet and confer efforts.

Defendants respectfully request that the Court decline to impose sanctions against them or their counsel.

1 DATED: August 6, 2025

BLANK ROME LLP

2 By: /s/ Todd M. Malynn

3 Todd M. Malynn

Arash Beral

Jamison T. Gilmore

4 Attorneys for Defendants, Counterclaimants,
5 and Third Party Plaintiffs PCJV USA, LLC,
6 PCI TRADING LLC, POTATO CORNER,
7 LA GROUP, LLC, GK CAPITAL GROUP,
8 LLC, NKM CAPITAL GROUP, LLC and
9 GUY KOREN, and Defendants J & K
AMERICANA, LLC, J&K LAKEWOOD,
10 LLC, J&K OAKRIDGE, LLC, J&K
11 VALLEY FAIR, LLC, J & K ONTARIO,
12 LLC, J&K PC TRUCKS, LLC, HLK
13 MILPITAS, LLC, and GK CERRITOS, LLC
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CERTIFICATE OF SERVICE

The undersigned certifies that on August 6, 2025, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court's Electronic Case Filing (ECF) system. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.
Executed on August 6, 2025.

By: /s/AJ Cruickshank